

the charters and permits of which have been or may hereafter be forfeited, shall forthwith, on such forfeiture, surrender and send in to the Secretary of State, their said charters and permits; and also to provide a punishment for the failure to comply with this Act within ten days after such forfeiture."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.
Committee Room,

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Internal Improvements, to whom was referred

Substitute House bill No. 1, a bill to be entitled "An Act to provide for the purchase and conveyance to the State of Texas of the land in the city of San Antonio known as the Hugo Schmeltzer & Co. property, which was a part of the Alamo mission, and for the care and preservation of said property, and of the Alamo church property now owned by the State; and appropriating the sum of sixty-five thousand dollars to carry out the provisions of this Act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that the bill be not printed.

McKAMY, Chairman.
Committee Room,

Austin, Texas, January 23, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 27, a bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the 1st day of January, 1887, and which have failed or are about to fail to construct their roads and branches or any part thereof within the time required by law,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

McKAMY, Chairman.

(MAJORITY REPORT.)

Committee Room,

Austin, Texas, January 23, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Constitu-

tional Amendments, to whom was referred

Senate bill No. 32, a bill to be entitled "A Joint Resolution amending Article 16, Section 44, of the Constitution of the State of Texas, authorizing either the appointment or election of County Treasurers and County Surveyors,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

(MINORITY REPORT.)

Committee Room,

Austin, Texas, January 23, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: A minority of your Committee on Constitutional Amendments, to whom was referred

Senate bill No. 32, a bill to be entitled "A Joint Resolution amending Article 16, Section 44, of the Constitution of the State of Texas, authorizing either the appointment or election of County Treasurer and County Surveyors,"

Do not concur with the majority, and files this, a minority report, and recommend that it do not pass.

CHAMBERS.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Wednesday, Jan. 25, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Chambers.

Absent—Excused.

Holland.

Meachum.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hale, the same was dispensed with.

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Stone:

Senate bill No. 125, a bill to be entitled "An Act to create the Sixth Supreme Judicial District, to provide for and establish a Court of Civil Appeals therefor, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Read first time, and referred to the Committee on Judiciary No. 1.

By Senator Hawkins:

Senate bill No. 126, a bill to be entitled "An Act to reorganize the Thirty-second Judicial District of Texas, and to fix the time for holding courts, and the terms of the courts therein to conform all writs and processes to such changes, to declare an emergency and to repeal all laws and parts of laws in conflict herewith."

Read first time, and referred to the Committee on Judicial Districts.

By Senator Glasscock (by request):

Senate bill No. 127, a bill to be entitled "An Act to amend Article 617b of Title XVIII, Chapter 12 of the Revised Civil Statutes of Texas, 1895."

Read first time, and referred to the Committee on Town and City Corporations.

By Senator Glasscock (by request):

Senate bill No. 128, a bill to be entitled "An Act to amend Article 4673, Title XCVII, Chapter 1 of the Revised Civil Statutes of 1895."

Read first time, and referred to the Committee on Town and City Corporations.

By Senator Glasscock (by request):

Senate bill No. 129, a bill to be entitled "An Act to amend Article 1544 and 1546 of Chapter 2 Title XXXII of the Revised Civil Statutes of Texas of 1895."

Read first time, and referred to the Committee on Town and City Corporations.

By Senator Hicks:

Senate bill No. 130, a bill to be entitled "An Act to create and establish the Texas Library Commission, and making an appropriation therefor."

Read first time, and referred to the Committee on State Affairs.

By Senator Davidson:

Senate bill No. 131, a bill to be entitled "An Act authorizing railroad

companies to construct connecting tracks, spurs and sidings under certain conditions; defining when it is an abuse not to connect, and requiring them to connect when ordered to do so by the Railroad Commission, and providing the right of condemnation for said purposes; and defining the powers of the Railroad Commission in regard to said matters."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Faulk:

Senate bill No. 132, a bill to be entitled "An Act to amend Chapter 32 of the special laws of the Twenty-eighth Legislature creating a road law for Henderson county and being entitled an act to create a more efficient road law for Henderson county, creating the office of county road superintendent, prescribing his qualifications and duties; providing for working county and State convicts and delinquent poll taxpayers on public roads; rewards and penalties for escaped convicts; for the appointment and duties of road overseer, and fixing amount of their pay and prescribing penalties against road overseers, hands and road superintendent, and prescribing the duties of the county attorney, grand jury and district judge in seeing its provisions enforced; fixing width of public roads and providing how they shall be worked, graded, etc., for the building of bridges, culverts, etc., by the lowest responsible bidder the plan for which is furnished by the county superintendent; for the hiring of teams, tools and wagons by the county superintendent and overseers and relieving of hands by paying \$4.00 per annum and for opening up two first class roads running east and west and north and south through the county seat; and for the appropriating for the taxes collected in each commissioners precincts; fixing the ages of persons liable to work on roads; providing for the levy of road and bridge tax and the issuance of bonds for road and bridge purposes; and fixing the bonds of the county superintendent and road overseer, and penalties to be recovered in case of a breach thereof; and providing that, in cases where there is a conflict in this and the General Laws of the State, this supersedes the General Law and where there is no conflict the General Law still remains in force, adding Sections 8a, 8b, 8c, 8d, 8e, 8f, 8g, 8h, 8i, 8j and 8k, thereto and providing pay for the commissioners courts and declaring an emergency."

Read first time and referred to the Committee on Roads, Bridges and Ferries.

By Senator Beaty:

Senate bill No. 133, a bill to be entitled "An Act to amend Chapter 11, Title XCIV, Article 4548 of the Revised Civil Statutes of 1895, relating to collection of debts from railroad corporations."

Read first time, and referred to Judiciary Committee No. 1.

BILLS SIGNED.

The Chair (President Pro Tem. Hanger) gave notice of signing, and did sign in the presence of the Senate after their captions had been read.

House bill No. 122, a bill to be entitled "An Act making an appropriation to pay mileage and per diem of the Presidential Electors of Texas for the year 1905."

House bill No. 58, a bill to be entitled "An Act to restore and confer upon the County Court of Trinity county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the District Court of said county to such change; to fix the time of holding court; to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 38, a bill to be entitled "An Act to amend Section 1, of Chapter 80, of the Acts of the Twenty-eighth Legislature, sent to the Governor for approval on the 31st day of March, 1903, relating to the prevention of hogs, sheep and goats from running at large; amending Article 5001, Title CII, of the Revised Civil Statutes of the State of Texas, 1895, relating to the stock law," and amending the law so as to place Cooke county under the provisions of Chapter 5, Title CII, of the Revised Civil Statutes.

Substitute House bill No. 1, a bill to be entitled "An Act to authorize the Governor to purchase the land owned by Hugo & Smelzer, which was a part of the Alamo Mission, in the city of San Antonio, Texas, and to make an appropriation therefor; and for the preservation of said property, together with the Alamo church property now owned by the State," with engrossed rider.

House bill No. 44, a bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Gray county, and to conform to the jurisdiction of the District Court thereof."

Also the following Concurrent Resolutions:

House Concurrent Resolution No. 2, relative to printing the legislative manual,

House Concurrent Resolution No. 4, relative to making arrangements for electing a United States Senator.

House Concurrent Resolution No. 5, relating to correcting the count of the votes for Governor and Lieutenant Governor.

SIMPLE RESOLUTION.

Senator Hawkins offered a resolution of thanks to Daughters of the Republic et al., and the same was adopted and will be found on the last page of the Journal.

MORNING CALL CONCLUDED.

COMMITTEE SUBSTITUTE BILLS NOS. 1, 8 AND 50—ANTI-FREE PASS BILL.

The Chair laid before the Senate, special order for this morning,

Committee substitute bills Nos. 1, 8, and 50, a bill to be entitled "An Act to prohibit railroad companies or chartered transportation companies or express or sleeping car companies, or receivers thereof, or their officers, agents or servants in this State from carrying persons free of charge, or conveying property free of charge, or giving to any person or persons, a free pass or authority to travel or pass or have property transported free over any such lines operated by it in this State, or to give any privilege of fare less than it gives or grants to any and all other persons, except its officers and employees, and prohibiting certain persons from accepting and using free transportation and from having property transported for a less rate than charged others, and prescribing penalties for the violation of the provisions hereof, and appropriating such penalties."

Senator Glasscock moved to consider the bill by section, though the motion was lost.

Senator Willacy moved that further consideration of the bill be postponed until next Wednesday, and be made a special order for that day.

There was objection to the postponement of the bill, and the yeas and nays were called for. The motion to postpone carried by the following vote, that the bill was so ordered as a special order:

Yeas—14.

Barrett.	Hill.
Beaty.	Paulus.
Faulk.	Skinner.
Faust.	Stafford.
Glasscock.	Stone.
Griggs.	Terrell.
Hale.	Willacy.

Nays—13.

Brachfield.	Hicks.
Davidson.	Looney.
Decker.	Martin.
Grinnan.	McKamy.
Harbison.	Smith.
Harper.	Stokes.
Hawkins.	

Absent.

Chambers.

Absent—Excused.

Holland.	Meachum.
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FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, January 25, 1905.

Hon. Geo. D. Neal, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following bills:

House bill No. 187, a bill to be en-
titled "An Act to create a more effi-
cient road system for Johnson County,
Texas;" also

House bill No. 217, a bill to be en-
titled "An Act to amend the charter
of the city of Galveston by amending
Sections 35, 40, 70 and subdivisions
(g) and (l) of Section 19 thereof, and
by adding thereto Section 71a."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (President Pro Tem
Hanger) had read and referred, after
their captions had been read, the fol-
lowing house bills:

House bill No. 187 (see House Mes-
sage for caption).

Referred to Committee on Roads,
Bridges and Ferries.

House bill No. 217, to Towns and
City Corporations.

C. S. B. NO. 12—PASSAGE OF.

The Chair laid before the Senate on
its third reading.

Committee Substitute Senate Bill
No. 12, a bill to be entitled "An Act to
compel all corporations in this State
owning, leasing or operating in cities
or towns of over five thousand popu-
lation, street railways, electric light-
ing or power plants, furnishing light
and power to the public; gas plants
furnishing gas to the public, or water
plant furnishing water to the public.
to file annual reports, and providing

penalties for the violation of the pro-
visions of this Act."

Senator Glasscock offered the fol-
lowing amendment:

"Amend Section 1 of the bill by ad-
ding after the word population in line
14 in Section 1, the following:

As determined by a census taken
under the order of town.

The amendment was lost by the fol-
lowing vote:

Yeas—12.

Brachfield.	Hill.
Decker.	Martin.
Glasscock.	McKamy.
Grinnan.	Paulus.
Harbison.	Smith.
Harper.	Stokes.

Nays—14.

Barrett.	Hicks.
Faulk.	Looney.
Faust.	Skinner.
Griggs.	Stafford.
Hale.	Stone.
Hanger.	Terrell.
Hawkins.	Willacy.

Absent.

Beaty.	Chambers.
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Absent—Excused.

Holland.	Meachum.
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The bill was read third time and
passed by the following vote:

Yeas—27.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Harper.	

Nays—1.

Smith.

Absent.

Chambers.

Absent—Excused.

Holland.	Meachum.
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Senator Hicks moved to reconsider
the vote by which the bill passed, and
lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING NO.

I vote no upon the passage of the bill and assign the following reasons therefor:

(1) The provisions of the bill limit its operation to cities of over five thousand inhabitants, when it should be made general, and applicable to all towns and cities, if not to all corporations mentioned doing business in the State.

(2) No good reason has been given why this law should apply only to the large cities, which can procure such regulation by special charter, whereas the small cities are incorporated under the general charter, and can only procure such information by general law.

(3) It is believed to be a sufficient answer to the argument used against including the smaller towns and cities that the information furnished might prevent the sale of the bonds and securities of the corporations mentioned to say that if such information prevents, or tends to prevent, the sale of such securities, then the prevention ought to take place, and the investing public protected.

(4) If the Legislature carries out party platform demands and passes a law authorizing municipal governments to fix rates to be charged the public by certain corporations that use the public streets and places to carry on their business, then the information to be furnished under the bill becomes necessary to enable such municipalities to intelligently fix such rates.

SMITH.

SENATE BILL NO. 31—PASSAGE OF.

The Chair laid before the Senate, regular order, and on third reading

Senate bill No. 31, a bill to be entitled "An Act authorizing the appointment of temporary guardians of minors and their estates, regulating their duties and requirements and the practice in relation thereto."

The bill was read third time and passed.

Senator Smith moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 33—PASSAGE OF.

The Chair laid before the Senate regular order, and on third reading

Senate bill No. 33, a bill to be entitled "An Act to amend Article 2956, of Chapter 1, Title LV, Revised Civil Statutes of the State of Texas, provid-

ing that all persons desirous of marrying in this State shall procure license authorizing its celebration and declaring all marriages contracted, entered into or celebrated in any other manner null and void."

Senator Looney offered the following amendment:

Amend by adding after the word "celebrated" in line 20, the words "in this State."

The amendment was adopted by the following vote:

Yeas—28.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Davidson.	Looney
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Chambers.

Absent—Excused.

Holland.

Meachum.

The bill was read third time, and passed.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 11—MADE SPECIAL ORDER.

The Chair laid before the Senate, on its second reading,

Senate bill No. 11, a bill to be entitled "An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect."

On motion of Senator Faulk further consideration of the bill was postponed till tomorrow morning and was made a special order to follow other special orders.

SENATE BILL NO. 30—MADE SPECIAL ORDER.

The Chair laid before the Senate on its second reading,

Senate bill No. 30, a bill to be entitled "An Act to amend the Revised Statutes of the State of Texas by adding thereto Article 1024a."

On motion of Senator Decker consideration of same was deferred till tomorrow morning and the bill was made special order to follow the last preceding special order.

SENATE BILL NO. 36—PASSAGE OF.

The Chair laid before the Senate on its second reading.

Senate bill No. 36, a bill to be entitled "An Act to authorize the Supreme Court and the several justices thereof, to issue writs of habeas corpus in certain cases."

Bill read second time and ordered engrossed.

On motion of Senator Hicks, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Absent.

Chambers.

Absent—Excused.

Holland.

Meachum.

Bill was read third time, and passed by the following vote:

Yeas—26.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Chambers.

Grinnan.

Absent—Excused.

Holland.

Meachum.

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 37—CONSIDERATION OF.

The Chair laid before the Senate on its second reading.

Senate bill No. 37, a bill to be entitled "An Act to Amend Title XXX, Chapter 17, Article 1371, Revised Civil Statutes of Texas, providing for hearing certain evidence on motions for new trials, and prescribing when new trials thereon should be granted and also in regard to contempt proceedings."

Senator Looney offered two amendments, both of which were adopted, and,

Senator Davidson moved further consideration of the bill be postponed till to morrow morning and follow previous special orders, also moved that the bill as amended be published in full in the Journal.

The motion prevailed and the following is the bill as amended:

By Senator Looney:

Senate bill No. 37, a bill to be entitled "An Act to amend Title XXX, Chapter 17, Article 1371, Revised Civil Statutes of Texas, providing for the amendment of motions for new trials; for hearing certain evidence therein, and prescribing when new trials may be granted and also in regard to contempt proceedings."

Be it enacted by the Legislature of the State of Texas:

That Title XXX, Chapter 17, Article 1371, Revised Civil Statutes of Texas, be so amended as to read as follows:

Article 1371. Every such motion shall be in writing and signed by the party or his attorney and shall specify the ground upon which it is founded and may be amended under leave of the court and no grounds other than those specified shall be heard or considered.

Where the ground of the motion is on account of misconduct of the jury or the officer in charge, or because of any communication made to the jury, or because the jury received other testimony, the court shall hear evidence thereof and it shall be competent to prove such facts by the jurors or others, by examination in open court; and if the misconduct proven, or the testimony received, or the communication made, be material a new trial may in the discretion of the court be granted and the court shall punish the offending person or persons for contempt.

SENATE BILL NO. 43—MADE SPECIAL ORDER.

The Chair laid before the Senate on second reading

Senate bill No. 43, a bill to be entitled "An Act relating to State and county finances, providing for a system of State and county depositories for State and county funds, and to repeal all laws and parts of laws in conflict herewith."

Consideration of the bill was postponed till Friday morning and made a special order.

SENATE BILL NO. 44.

The Chair laid before the Senate on second reading

Senate bill No. 44, a bill to be entitled "An Act to prohibit any person, firm or association of persons, agents or employees of such person, firm, association of persons who are engaged in the occupation or business of storing or keeping for others spirituous, vinous or intoxicating liquors, within any county, justice precinct, subdivision of a county, town or city within this State, wherein the sale of spirituous, vinous and intoxicating liquors has been prohibited according to law, from allowing any vinous, spirituous or intoxicating liquors to be drank within said place of business, and providing a penalty therefor."

IN JOINT SESSION.

The President here announced that the hour had arrived when, under the law, the Senate should repair to the Hall of Representatives to meet that body in joint session for the purpose of participating in the election of a United States Senator.

The Senate accordingly repaired to the Hall of the House of Representatives.

At 12 o'clock meridian, the honorable Senate of Texas was duly announced at the bar of the House.

The Speaker invited the Senate to enter and requested the members of the House to rise and remain standing as the Senate advanced into the hall and occupied the seats prepared for them.

Accompanied by Secretary Clyde D. Smith, Journal Clerk R. M. Gilmore and Sergeant-at-Arms C. H. Allen, the Senators advanced into the hall and occupied the seats that had already been prepared for them along the aisle.

President Pro Tem. Hanger was in-

vited to a seat on the rostrum on the right of the Speaker of the House.

The Secretary of the Senate was directed by the President to call the roll of the Senate and the following Senators answered to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.

Total number of Senators present, twenty-eight.

Necessary to a quorum, twenty-one.

President Pro Tem. Hanger announced a quorum of the Senate present.

Speaker Seabury then directed the clerk to call the roll of the House, and the following members answered to their names:

Alderdice.	Harris.
Anthony.	Hays.
Ayars.	Heslep.
Barcus.	Hill.
Bartholomew.	Holmes.
Beaty.	Holsey.
Bennett.	Hoskins.
Bertram.	Hudspeth.
Black.	James.
Blalock, W. M.	Johnson.
Blalock of Wood.	Kubena.
Blanton.	Kyle.
Bowser.	Love of Dallas.
Brelsford.	Love of Williamson.
Browne of Karnes.	Low.
Brown of Kaufman.	Marsh.
Brown of Wharton.	Masterson.
Bryan of Harris.	Mays.
Bryan of Taylor.	McClellan.
Bryant.	McFaddin.
Burnett.	McKenzie.
Byrne.	McKinney.
Cable.	Mears.
Callan.	Miller.
Canales.	Moran.
Carswell of Panola.	Murray of Collin.
Carswell of Wise.	Murray of Wilson.
Chapman.	Myrick.
Chesley.	Nelms.
Cottrell.	O'Bryan.
Cranke.	Onion.
Crisp.	Peeler.
Crockett.	Ramsey.
Daniel.	Rice.
Daugherty.	Rieger.
Davis of Falls.	Robertson.

Davis	Sanders.
of San Augustine	Sevier.
Davis	Shannon.
of Williamson.	Sharpe.
Dean.	Shelby.
Dimmitt.	Soward.
Dodd.	Sperry.
Douglass.	Stavinoha.
Edwards.	Terrell
Elliott.	of McLennan.
Ellison.	Terrell of Travis.
Fitzhugh.	Terry.
Foree.	Thomas, Rosser.
Fountain.	Thomas, J. A.
Gafford.	Thompson.
Gilliam.	Von Rosenberg.
Glenn.	Ward.
Graham.	Webb.
Gray.	Werner.
Greenwood.	Williams.
Guinn.	Wilmeth.
Hagan.	Wilson.
Hall.	Winter.
Haltom.	Witcher.
Hamilton.	Witherspoon.
Hancock.	Woods.

Total number of Representatives present, including the Speaker in the chair, 122.

Necessary to a quorum, eighty-nine.

The Speaker announced a quorum of the House present.

The Speaker then announced that, in accordance with law and a concurrent resolution duly adopted by both houses, the two houses of the Twenty-ninth Legislature are now in joint session for the purpose of comparing the proceedings had in separate session on yesterday touching election of a United States Senator.

The President Pro Tem. then directed the Secretary of the Senate to read from the Senate Journal of yesterday the proceedings had in the Senate yesterday in election of United States Senator.

The Secretary then read the following from the Senate Journal of yesterday:

(Extract from the Senate Journal of yesterday.)

BALLOTING FOR UNITED STATES SENATOR.

The Chair announced that the hour of 11:30 o'clock a. m. having arrived, and that the special order for that time being to ballot for United States Senator, he declared nominations for said office to be in order.

Senator McKamy placed in nomination the Hon. C. A. Culberson of Dallas county, to succeed himself. Senator McKamy made a short but happy address in nominating him.

Senator Skinner of Ellis county sec-

onded the nomination, and also made a nice address.

There being no other nominations, the Chair ordered the roll called, the ballot resulting as follows:

C. A. Culberson—26.

Barrett.	Harbison.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Davidson.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.

Absent.

Harper.	Willacy.
Paulus.	

Absent—Excused.

Holland.	Meachum.
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The Chair announced that Mr. Culberson had received 26 votes, he receiving all the votes of the present members. There were five absent members. The Chair stated that the Senate would, at 12 o'clock, noon, tomorrow, Wednesday, January 25, 1905, meet the Honorable House of Representatives in joint session to declare the result of the ballot for United States Senator to succeed himself.

The Speaker then directed the Clerk to read from the House Journal of yesterday the proceedings had in election of United States Senator.

The Clerk read as follows (extract from the House Journal of yesterday):

ELECTION OF UNITED STATES SENATOR.

Speaker Seabury announced that the hour set apart by concurrent resolution, duly adopted by both Houses, for election of an United States Senator had arrived, and announced that nominations were in order.

Mr. Love of Dallas nominated Hon. Charles A. Culberson of Dallas county.

Mr. Wilmeth seconded the nomination of Charles A. Culberson.

Mr. Cobbs seconded the nomination of Charles A. Culberson.

Mr. McKenzie seconded the nomination of Charles A. Culberson.

Mr. Harris seconded the nomination of Charles A. Culberson.

(Mr. McKinney in the chair.)

Mr. Burnett seconded the nomination of Charles A. Culberson.

(Speaker in the chair.)

Mr. O'Bryan seconded the nomination of Charles A. Culberson.

There being no further nominations, the Chair declared nominations closed, and directed the Clerk to call the roll.

The roll was called and each member rising from his seat as his name was called, announced his choice.

The following members voted for Hon. Charles A. Culberson:

Hon. F. W. Seabury	Harris.
Speaker.	Hays.
Alderdice.	Heslep.
Anthony.	Hill.
Ayars.	Holmes.
Barcus.	Holsey.
Bartholomew.	Hoskins.
Beaty.	Hudspeth.
Bennett.	James.
Bertram.	Johnson.
Black.	Kennedy.
Blalock, W. M.	Kubena.
Blalock of Wood.	Kyle.
Blanton.	Love of Dallas.
Blount.	Love
Bowser.	of Williamson.
Brelsford.	Low.
Browne of Karnes.	Marsh.
Brown	Masterson.
of Kaufman.	Mays.
Brown of Wharton.	McClellan.
Bryan of Harris.	McFaddin.
Bryan of Taylor.	McKenzie.
Bryant.	McKinney.
Burnett.	Mears.
Byrne.	Miller.
Cable.	Moran.
Callan.	Murray of Collin.
Canales.	Murray of Wilson.
Carswell of Panola.	Myrick.
Carswell of Wise.	Nelms.
Chapman.	O'Bryan.
Chesley.	Onion.
Cobbs.	Peeler.
Cottrell.	Ramsey.
Cranke.	Rice.
Crisp.	Rieger.
Crockett.	Robertson.
Daniel.	Sanders.
Daugherty.	Sevier.
Davis of Falls.	Shannon.
Davis	Shelby.
of San Augustine.	Smith.
Davis	Soward.
of Williamson.	Sperry.
Dean.	Stavinoha.
Dimmitt.	Terrell
Dodd.	of McLennan.
Douglass.	Terrell of Travis.
Edwards.	Terry.
Elliott.	Thomas, Rosser.
Ellison.	Thomas, J. A.
Fitzhugh.	Thompson.
Foree.	Timon.
Fountain.	Von Rosenburg.
Gafford.	Ward.
Gilliam.	Ware.
Glenn.	Webb.
Graham.	Werner.
Gray.	Williams.
Greenwood.	Wilmeth.

Hagan.
Hall.
Haltom.
Hamilton.
Hancock.

Winter.
Witcher.
Witherspoon.
Woods.

Total number of votes cast for Charles A. Culberson, 125.

The Speaker then announced that Hon. Charles A. Culberson had received 125 votes, all the votes cast, and that the Senate and the House of Representatives of the Twenty-ninth Legislature would meet in joint session tomorrow, Wednesday, January 25, at 12 o'clock meridian, in this Hall, for the purpose of comparing the vote for United States Senator.

The Speaker then directed the Clerk and Secretary to compare the vote cast in each House on yesterday for United States Senator.

The vote was compared and the result showed that Charles A. Culberson had received 151 votes, all the votes cast.

Speaker Seabury then declared that Charles A. Culberson, having received all the votes cast, he was duly, legally and constitutionally elected United States Senator from the State of Texas for the ensuing term of six years, beginning March 4, 1905.

Mr. Hill, on part of the House, moved that a committee consisting of three members of the House and two Senators be appointed to inform Senator Culberson of his election and to escort him to the Speaker's stand.

The Speaker put the motion on the part of the House and it prevailed.

President Pro Tem. Hanger put the motion on part of the Senate, and it prevailed.

In accordance with above motion, the Speaker announced the following committee on part of the House: Messrs. Hill, Peeler and Blanton.

President Pro Tem. Hanger announced the following committee on part of the Senate: Senators McKamy and Skinner.

After retiring a few minutes, the joint committee above announced, appeared at the bar of the House, accompanied by Hon. Charles A. Culberson, United States Senator-elect, and Governor S. W. T. Lanham, who were conducted to the Speaker's stand.

Speaker Seabury then introduced the Senator-elect to the two Houses and the assemblage.

Senator Culberson said:
Mr. President, Mr. Speaker, Gentlemen of the Senate and House of Representatives:

For reasons which need not now be stated, the Democratic party, State and National, favors an amendment to the Federal Constitution under which

United States Senators will be chosen directly by the people, and while no such amendment has been formally proposed for ratification in the manner provided by the Constitution, the subject is receiving public attention. Pending this consideration and discussion the Democratic party of Texas has in the past few years submitted the choice of Senators to a primary election, which is the limit of existing constitutional authority in that direction, and under political conditions here it is tantamount to a popular vote. The unanimous approval of my candidacy in the primary election last July by the Democracy of the State is an endorsement of which I am profoundly sensible. It is a great distinction, a distinction next to election to the chief magistracy of a sovereign State, to be chosen Senator by the Legislature, and that this choice is that of the people also but adds to my estimate of its significance and value. My appreciation of your action, already hearty and unaffected, is enhanced and deepened by the unanimity of your vote, by your cordial reception and the expressions of warm personal regard which have characterized your proceedings. Indeed in the midst of the public honors which have come to me during the past fourteen years through the partiality and confidence of the people and the legislatures and which are beyond my power to repay or requite, not the least precious is the vein of personal friendship and loyalty of thousands which has given emphasis and tone to my political support. There is gratification in professional success, there is rapture in the applause of masses, there is strange fascination in the glamor of high offices, but above all these is the ennobling and satisfaction which springs from the respect, the confidence, the attachment and the love of friends. Many of such friends of mine are in this magnificent audience and many are members of this distinguished legislative body. When I look into their faces and grasp their hands and remember their high character and unselfish favors to myself, it fills me with pride to feel that their affection and constancy and devotion are more priceless than the exceptional and multiplied honors which have been bestowed upon me.

Most of those here assembled belong to the Democratic party and are deeply interested in its policies and future. The opponents of the party and some of its weaker adherents are searching for its issues and prophesying its destruction, but those who understand and cherish its principles are confronted with important issues on every hand and they know that the

party itself is as imperishable as our form of government. In Texas it stood by the infancy of the Republic and the State. Since the battle of San Jacinto, which it fought and won, with the exception of the corrupt and oppressive era of reconstruction, it conducted the affairs of the State, and unaided by any other party, it has contributed the entire share which the government has borne in its marvelous progress and development. Having committed to it the great mass of powers which under our system are reserved to the State, powers which more closely affect the life, the liberty and the property of the citizen than those of a federal nature, it has for seventy years so administered the government that it has never suffered defeat nor has its ascendancy been seriously affected or endangered. Surrounded by prolific scandal in high places elsewhere its administrations have been clean and blameless. Even petty peculations have not resulted in the loss of a dollar to the treasury. At a time when official dishonesty is wide spread and official integrity is again an issue throughout the country the Democratic party will see to it that its record continues stainless and that the shadow of corruption does not rest upon this capitol. The current issues in State affairs with which every Democrat should be in sympathy are our platform promises to the people, not one of which should go unfulfilled or unredeemed, and the future of the party is assured only when this public faith is maintained, when popular rights are respected and preserved, when corporate functions are limited and controlled and corporate aggressions and consolidations restrained and when the government is directed in consonance with those principles of simplicity and liberty which mark if not a splendid yet a happy land.

But the prophecies of ruin and overthrow of the party relate chiefly to the national organization, and are based upon the recent general election. The result of that election, which, as many of you know from private expressions during the campaign, was not unexpected to me, is not especially significant. It implies no party mistakes which may not be remedied, suggests no error of organic principles, and should excite no apprehension respecting the usefulness and perpetuity of the party. The total vote was 460,000 less than in 1900, and with the exception of 1864, when the country was divided by civil war, this is the first instance in our history when the popular vote in a presidential election was less than that of the preceding four years. While the Republican vote

at the late election was an increase of 409,000 over 1900, this increase was not more than normal. The vote of Grant in 1872 was 590,000 greater than his vote in 1868; the vote of Hayes in 1876 was 436,000 greater than that of Grant in 1872; the vote of Garfield in 1880 was 415,000 greater than that of Hayes in 1876; the vote of Blaine in 1884 was 399,000 greater than that of Garfield in 1880; the vote of Harrison in 1888 was 591,000 greater than that of Blaine in 1884, and there was a corresponding increase in the Democratic vote for each of those years. The loss in the Democratic vote which, broadly speaking, is shown in the decrease in the total vote and the increased Populist, Prohibition and Socialistic vote, was not an indorsement of Republican policies and principles, but is mainly attributable to the dissensions in the Democratic party itself, which have existed for eight years, and to dissatisfaction growing out of the national convention and the management of the campaign. It is doubtless true that no policy can be adopted which will unite all persons who have heretofore acted with the Democratic party. All that should now be sought or expected is to accept the judgment of the people upon public questions where decisively made and wrought into accomplished facts, and apply the historic doctrine of the party to current affairs and changing conditions without reference to consequences. This course will not only organize a homogeneous party, impelled by great principles of government, but with the passing of the empty glory of the Spanish war and the hollow prosperity which was purchased for the risk, the people, as in the past, will turn to the Democracy as the surest instrumentality for the accomplishment of their happiness and the preservation of their liberties.

It would abuse your courtesy to enlarge upon the constructive principles and the administrative policies which have distinguished the Democratic from all other parties. It must suffice to say that the former run with the lines and corners of free institutions, and that the latter are embodied in that sum of good government immortalized by its founder in his first inaugural address. Not turning from them to the dangerous field of socialism and kindred schools, not discarding them for political heresies in the wild demands of the moment, to be aggressive and radical, but to tenacious adherence to these fundamental principles is the hope and duty and mission of the party. Radical we should be, indeed, but it is rather the radicalism of an uncorrupted democ-

racy, and this in itself would be a declaration of protest and of war against the despotism of wealth which is being fastened upon the country. Nor would it be proper for me at this time to dwell upon those questions of the hour which press for solutions, upon which, in my judgment, the democracy represents the aspiration and convictions of the people and should make its appeal economy and just taxation, honesty in the public service, preserving unimpaired the distinction between State and Federal authority, opposition to insidious as well as open executive usurpation, the enlargement of the powers of the interstate commerce commission to prevent extortionate freight rates, a comprehensive system of internal improvements, a fearless enforcement of the anti-trust laws, and an honest and substantial revision of the tariff, with the dissolution of the alliance existing between the beneficiaries of this tax and the republican party, under which oppressive tribute is levied upon the masses.

While the South is and undoubtedly should remain a part of the National Democracy, it should nevertheless demand its constitutional rights and preserve its distinctive civilization. The platform declaration of the Republican party for a reduction of the South's representation is a lawless and despotic attempt to deny to the South equal rights with the North in the regulation of suffrage. Against the intimation of social equality and ultimate amalgamation with the negro which follows logically from recent events the very stones of the South rose in protest and in mutiny. This revolt of a section, whatever denial may be made, has had its effect, for no man, however powerful, can stand unaffected and unmoved by the just anathema of a whole people. Already it is intimated in inspired interviews that suffrage in the South will not be interfered with, that the negro incident was not intended to propose or invite social equality or miscegenation, and it is said that in an early visit of the President to the South, when he should be received with the high respect and courtesy due him and his exalted office, as well as the proverbial hospitality of the people, these conclusions will be stated with characteristic frankness and courage. If such be the case, if fair deductions which the South drew from the occurrences to which I have referred are disclaimed, or a change of conviction placed upon them by the President is avowed, the South will accept the overture in becoming spirit, and the Southern people, secure in their constitutional rights and free from threatened social disorder, will turn to other great questions and endeavor to solve them in

the interest of what they deem the public welfare.

When we reflect, however, superficially, upon the political truths which inspire and guide it, and when we consider, though only in broad outline, its history and achievements, the dissolution of the Democratic party is impossible. Resting upon indestructible civic forces and fed by the instinctive aspirations of mankind, for larger freedom, the party in its essence is immortal.

In the physical, the industrial and the political world there are elements which tend to concentration and consolidation, and the subjection of the component units. In the physical world it is seen in the annihilation of distance by steam and electricity, and the bringing of the world's parts together. In the industrial world it is observed in the organization of gigantic combinations and trusts and the merger or suppression of small concerns. In the political world this movement would unduly enlarge the powers of the State and abridge the rights and liberties of the citizen. In this broad statement is embraced all the vital convictions of Democracy, inherent limitation upon government, the largest personal, political and religious freedom, the rights of the State, the restrictions upon Federal power, for all these resist governmental aggression in some form, and in this unceasing and unending conflict between these irrepressible forces lies the vitality and perpetuity of the party.

It is true that the recent defeat of the party was severe and general, embracing almost every doubtful community in the land, but the wound was neither organic nor mortal. Far greater crises have arisen in the history of the party. Though rent in twain by the Civil War of 1861, a catastrophe which no other party could have survived, and though again divided and demoralized by the indefensible nomination of Greeley in 1872, the party carried the country in the congressional election of 1874 and in the presidential election of 1876. Non-essential questions may temporarily cloud the public vision, ephemeral incidents may for a time warp the public judgment, subsidized and counterfeit prosperity may for a season tempt the public cupidity, but in the end the people believe in the government which the fathers wrought, the government which the original elements of the Democratic party inspired and created and subsequently conducted with masterful statesmanship for sixty years, and if the party be only true to itself, to its history, its traditions and its principles public confidence in its capacity and wisdom will be restored, and its

rightful supremacy in the nation re-established.

I beg again and in conclusion to express my deep sense of appreciation of the distinction you have conferred upon me, and to assure each member of the Legislature that the responsibilities which the position imposes will be met at least with fidelity and with what energy and capacity I may command.

Speaker Seabury then announced that the business of the joint session was concluded.

On motion of Senator Davidson, the Senate retired to its chamber.

IN THE SENATE.

Senator Stafford moved that Senators McKamy and Skinner be requested to furnish the Journal Clerk with copies of their respective speeches on yesterday placing Senator C. A. Culberson in nomination to succeed himself to the United States Senate.

The motion prevailed, and the speeches will appear in tomorrow's Journal.

MOTION TO ADJOURN LOST.

Senator Smith moved that the Senate adjourn till tomorrow morning at 10 o'clock. There was objection and the yeas and nays were called for, and the motion was lost by the following vote:

Yeas—13.

Beaty.	Looney.
Brachfield.	Martin.
Glasscock.	McKamy.
Grinnan.	Skinner.
Harbison.	Smith.
Harper.	Terrell.
Hill.	

Nays—14.

Barrett.	Hawkins.
Davidson.	Hicks.
Decker.	Paulus.
Faulk.	Stafford.
Faust.	Stokes.
Griggs.	Stone.
Hanger.	Willacy.

Absent.

Chambers.	Hale.
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Absent—Excused.

Holland.	Meachum.
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Senator Hawkins moved that the Senate take a recess till 3 o'clock p. m. today.

The motion was lost.

SENATE BILL NO. 44—PENDING BUSINESS.

Action recurring on Senate bill No. 44, which was pending.

Senator Stafford offered the following amendment:

Amend by striking out all of line 6. (Senator Willacy in the chair.)

Senator Decker offered the following substitute for the amendment:

Amend the bill by adding after the word "one," line 22 of the bill, the words "under the age of 21 years."

ADJOURNMENT.

On motion of Senator Hanger, the Senate, at 1:25 o'clock p. m., adjourned until 10 o'clock tomorrow.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Tex., Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 88, a bill to be entitled, "An Act to validate and give effect to the registration and record of certain instruments,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HICKS, Chairman.

Committee Room,

Austin, Tex., Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 101, a bill to be entitled, "An Act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts in the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Fifty-fourth Judicial District, fix the times for holding court therein and provide for the appointment of a district judge of said district, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute bill do pass.

HICKS, Chairman.

C. S. B. No. 101.)

(By Committee

A bill to be entitled "An Act to amend subdivision 53 of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, as amended by the Acts of the Legislature of 1901, Chapter LVIII, approved April 10, 1901, being an Act to fix the time for holding court in the Fifty-fourth District Court of Texas, and to provide for the election of Judges and District Attorneys in said districts."

Be it enacted by the Legislature of the State of Texas:

That subdivision 53 of Article 22, Title IV, as amended by the Legislature of the State of Texas, at a regular session, Chapter LVIII, page 126, approved April 10, 1901, General Laws of Texas, be so amended as shall hereafter read as follows:

Section 1.—The Fifty-fourth Judicial District of the State of Texas shall be composed of the following counties, to wit: Falls and McLennan, and the terms of the District Court therein shall be held each year as follows: In the county of Falls on the second Monday in January, and may continue in session seven weeks, and the first Monday in July, and may continue in session eight weeks.

In the county of McLennan on the first Monday in March and the third Monday in September, and may continue in session until the business is disposed of.

Sec. 2.—That process issued or served before this Act goes into effect returnable to the District court in said judicial district, shall be considered returnable to said courts in accordance with the terms as prescribed by this Act, and all such process is hereby legalized; in all grand and petit jurors drawn and selected in either of the counties in said judicial district shall be considered lawfully drawn and selected by for the next term of the District Court of their respective counties held after this Act takes effect, and all such process is hereby legalized and validated.

The two District Courts aforesaid, McLennan county shall have concurrent jurisdiction with each other throughout the limits of McLennan county of all matters civil and criminal of which jurisdiction is given to the District Courts by the Constitution and Laws of the State; provided, that the Judge of the Nineteenth Judicial District shall never impanel a grand jury in his said court, but may at any time reconvene the grand jury impaneled by the judge of the Fifty-fourth Judicial District, when in his judgment a necessity therefor exists.

The clerk of the District Court of McLennan county, as heretofore constituted, and his successors in office, shall be the clerk of both of said District Courts in McLennan county, and shall perform all the duties pertaining to the clerkship of both of said courts.

Either of the judges of said District Courts in McLennan county may transfer any cause or causes, criminal or civil, that may at any time be pending in his court, to the other District Court in McLennan county by order entered upon the minutes of his court, and after due notice to the attorneys of the parties to such suit, and upon sufficient cause being shown to the satisfaction of the court why such transfer shall be made without reasonable notice to the parties or their counsel, and an opportunity to be heard in favor of or in opposition thereto. And where such transfer is made the clerk of said courts shall enter such cause or causes upon the docket of the court to which transfer is made, and when so entered upon the docket, the judge of said court to which said transfer is made shall try and dispose of said cause in the same manner as if such cause was originally filed or presented in said courts.

Sec. 3.—This Act shall take effect and be in force from and after its passage, and all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Committee Room,

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 121, a bill to be entitled "An Act to authorize the Commissioner of the General Land Office of the State to supervise, lease and rent lands in the lakes, bays and inlets within tide water limits along the Gulf of Mexico; to authorize the expenditure of the funds received from such sources for certain purposes; giving concurrent jurisdiction to peace officers over certain boundaries of water, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 124, a bill to be entitled "An Act to provide for the holding of special terms of the District Court in the several counties of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 73, a bill to be entitled "An Act to restore and confer upon the County Court of Franklin county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the District Court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 15, a bill to be entitled "An Act to amend Article 2955, Chapter 1, Title LV, Revised Civil Statutes of the State of Texas, and which fixes the age when males and females shall not marry,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment: Amend the bill by striking out the words "21 and 18," and inserting in lieu thereof the words "18 and 16" respectively.

DAVIDSON, Chairman.

Committee Room,

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 119, a bill to be entitled "An Act to amend Articles 2513, 2515, 2518d and 2518e, Chapter 4, Title XLVIII, of the Revised Civil Statutes of 1895; Articles 2516 and 2518h, Chapter 175, of the General Laws of 1899; Articles 2514, 2518c and 2518k, Chapter 122, of the General Laws of 1903, and Article 523g, Chapter 130, of the General Laws of 1901, and adding Article 529x, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

MAJORITY REPORT.

Committee Room.

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2 to whom was referred

Senate bill No. 123, a bill to be entitled "An Act to amend Article 3528a, Title LXXVa, of the Revised Statutes, as amended April 3, 1897, in regard to the Board of Pardon Advisers."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

MINORITY REPORT.

Committee Room.

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2 to whom was referred Senate bill No. 123, a bill entitled "An act to amend Article 3528a, Title LXXVa, of the Revised Statutes, as amended April 3, 1897, in regard to the Board of Pardon Advisers."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HALE,
DAVIDSON,
STOKES.

MAJORITY REPORT.

Committee Room.

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2 to whom was referred House bill No. 70, a bill to be entitled "An Act to amend Article 799 of the Code of Criminal Procedure of the State of Texas relating to taking depositions in criminal actions and to repeal Article 800 of said code."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

MINORITY REPORT.

Committee Room.

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2 to whom was referred House bill No. 70, a bill to be entitled "An Act to amend Article 799 of the Code of

Criminal Procedure of the State of Texas, relating to taking depositions in criminal actions, and to repeal Article 800 of said code."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMITH.

Committee Room.

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13 being "An Act to amend Article 361 of the Revised Statutes of the State of Texas, adopted in 1895."

And find the same correctly engrossed.

BARRETT, Chairman.
Committee Room.

Austin, Texas, January 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 24 being "An Act to prohibit roping contests and to prescribe a penalty for engaging in the same and to declare an emergency."

And find the same correctly engrossed.

BARRETT, Chairman.
Committee Room.

Austin, Tex., Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 25, being "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Civil Statutes of 1895, as amended by act approved April 17, 1899, of the Twenty-sixth Legislature, regular session, relating to the employment of stenographers by the Courts of Civil Appeals, and declaring an emergency."

And find the same correctly engrossed.

BARRETT, Chairman.
Committee Room.

Austin, Tex., Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 27, being "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the 1st day of January, 1887, and which have failed, or are about to fail,

to construct their roads and branches or any part thereof within the time required by law."

And find the same correctly engrossed.

BARRETT, Chairman.
Committee Room,

Austin, Tex., Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 31, being "An Act authorizing the appointment of temporary guardians of minors and their estates, regulating their duties and requirements, and the practice in relation thereto,"

And find the same correctly engrossed.

BARRETT, Chairman.
Committee Room,

Austin, Tex., Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 33, being "An Act to amend Article 2956 of Chapter 1, Title LV, Revised Civil Statutes of the State of Texas, providing that all persons desirous of marrying in this state shall procure license authorizing its celebration and declaring all marriages contracted, entered into or celebrated in any other manner null and void,"

And find the same correctly engrossed.

BARRETT, Chairman.
Committee Room,

Austin, Tex., Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 35, being "An Act to amend Article 917 of Title X, of the Code of Criminal Procedure of the State of Texas,"

And find the same correctly engrossed.

BARRETT, Chairman.
Committee Room,

Austin, Texas, Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 36, being "An Act to authorize the Supreme Court and the several justices thereof to issue writs of habeas corpus in certain cases,"

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Substitute bill No. 12 being "An Act to compel all corporations in this State, owning, leasing, or operating in cities or towns of over five thousand population street railways, electric lighting or power plants furnishing light and power to the public; gas plant furnishing gas to the public, or water plant furnishing water to the public, to file annual reports and providing penalties for the violations of the provisions of this act,"

And find the same correctly engrossed.

BARRETT, Chairman.

APPENDIX B.

SIMPLE RESOLUTION.

By Senator Hawkins:

Resolution of thanks to Daughters of the Republic et al.

Whereas, By an act of the Twenty-ninth Legislature, an appropriation has been made to purchase the Alamo buildings; therefore be it

Resolved, That the Senate of Texas, in the name of the people of the State, thank the Daughters of the Republic of Texas and those who have aided them in their untiring work in the cause, especially Miss Clara Driscoll, Mrs. Rebecca J. Fisher, Mrs. Anson Jones, Mrs. Marie B. Urwitz, Mrs. J. J. McKeever, Jr., Mrs. Cornelia B. Stone, Mrs. Charles Milby, Mrs. Walter Gresham, Mrs. James B. Dibrell, Mrs. Cone Johnson, Mrs. A. B. Looscan and Judge Clarence Martin, for the unselfish patriotism which has animated them in their endeavors to preserve unto future generations the historic place where heroes fell, when in the war between Mexico and Texas this land of ours was wrested from the Mexican government by the grace of God and the strong arm of the Republic.

And be it further resolved, That a separate page of the Journal be reserved for this resolution, and a copy be sent to each chapter of the Daughters of the Republic of Texas.

The resolution was adopted.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, Jan. 26, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger in the chair.